(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

M.A.(C) No. 738 of 2007

APPELLANT/ CLAIMANT : Sheshnarayan Sharma, S/o Shardaprasad Sharma, aged about 54 years, R/o Gadhrapara, Thana Tikrapara, District Raipur, (C.G.)

VERSUS

RESPONDENTS :

1. Anirban Sen Gupta, S/o Shri A. Sengupta, R/o C-24 Radhaswami Nagar, Thana Purani Basti, Raipur, Tehsil & District Raipur, (C.G.) [Driver & Owner of Vehicle Motorcycle bearing Regd. No. C.G. 04 CF 5924]

2. Divisional Manager, United India Insurance Company Limited, Krishna Complex, Infront of Court (Kutchery) Raipur, Tehsil & District Raipur, C.G. [Insurer of Vehicle Motorcycle bearing Regd. No. C.G. 04 CF 5924]

Appeal under Section 173 of Motor Vehicle Act, 1988 for compensation

Present : Shri CR Sahu, counsel for the appellant.

ORAL ORDER
(Passed on 06th July, 2007)

The following oral order of the Court was passed by Dilip Raosaheb Deshmukh, J.

Heard.

The only point urged by learned counsel for the appellant in this appeal for enhancement of compensation of Rs.30,000/- in an injury case is that the compensation awarded by the Tribunal for the injuries suffered by the claimant is too low.

We have perused the impugned award. The claimant / appellant suffered fracture of tibia and fibula in the accident. The operating surgeon was not examined. There was material discrepancy in the testimony of the claimant and Dr. Saurabh Shrivastava, A.W-2, who gave the disability certificate. Certificate of the Medical Board was not filed to prove any permanent disability.

Learned Tribunal awarded compensation under the following heads:

Expenses towards treatment	Rs.16,000/-
Loss of earning for two months	Rs.6,000/-
Special diet	Rs.2,000/-
Pain and suffering	Rs.3,000/-
Charges for attendant	Rs.1,000/-
Transport expenses	Rs.2,000/-
Total	Rs.30,000/-

Learned counsel for the appellant did not dispute that the appellant was earning salary of Rs.9,000/- per month and during the period of his hospitalization there was no loss of earning because the claimant was on leave. A sum of Rs.6,000/- awarded by the Tribunal for loss of earning is thus in excess.

In this view of the matter and having considered the facts and circumstances of the case, we are of the considered opinion that the impugned award of the Tribunal calls for no interference.

Accordingly, the appeal being devoid of merit is dismissed at the stage of admission itself.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

padma